

APPENDIX 5

U.S. Customs and Border Protection 5-Year IPR Strategy Overview for COAC IPR Subcommittee July 25, 2011

CBP envisions an effective IPR enforcement process in which

- legitimate cargo is released without delay;
- infringing goods are intercepted; and
- violators are deterred or put out of business.

CBP's 5-Year IPR Strategy is a three pronged approach: facilitate, enforce, and deter. The Strategy focuses work throughout the international trade process – pre-entry, at entry, and post-entry – and is enabled by modernization, partnership, and investment.

- 1) Facilitation is expedited processing to speed release of legitimate goods. CBP's objectives for facilitation are to
 - a) obtain advance information on low risk imports through supply and distribution chain management programs;
 - b) improve targeting to focus inspections on imports at high risk for IPR infringement; and
 - c) streamline authentication of suspect goods through tools and technologies that work for multiple products and rights, and legal authority to share unredacted samples with right holders prior to seizure with appropriate safeguards for importers.
- 2) Enforcement is interdicting and apprehending infringing goods. CBP's objectives for IPR border enforcement are to
 - a) seize, forfeit and dispose of counterfeit and pirated goods, and circumvention devices, and enforce exclusion orders;
 - b) expand training to equip CBP personnel to better protect IPR; and
 - c) engage foreign customs authorities to increase enforcement at borders globally.
- 3) Deterrence is causing consequences that change behavior in order to prevent future intellectual property theft. CBP's objectives are to
 - a) improve issuance and collection of penalties;
 - b) expand and enhance IPR audits; and
 - c) promote criminal enforcement through coordination with ICE and the IPR Center.

CBP's IPR strategy is underpinned by

- modernization of laws/regulations, processes and technologies
- partnerships with the private sector, foreign governments, and other federal agencies; and
- investment in human capital, outreach, and technology provided by a \$25 million budget initiative that Congress funded in Fiscal Year 2011.